

CHAPTER 4

SUBDIVISION BY METES AND BOUNDS

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12-4-010 Purpose.

The intent of this Chapter is to allow the division of lots located in agricultural and residential zones into two (2) lots through the recording of approved deeds in restricted situations rather than requiring the recording of a subdivision plat.

12-4-020 Metes and Bounds Subdivisions; When Permitted.

An owner or developer of property consisting of a single parcel of land or lot located within an agricultural or residential zone may subdivide the parcel of land or lot into not more than two (2) lots for residential dwellings or accessory buildings related to the primary use by recording deeds containing metes and bounds descriptions of the lots without the necessity of recording a plat, provided that:

- (1) The area to be divided is immediately adjacent to existing streets and utilities and does not involve the extension of any such streets or utilities;
- (2) The area to be divided is not traversed by the mapped lines of a proposed street as shown in the Comprehensive General Plan and does not require the dedication of any land for street or other public purposes;
- (3) That the proposed lots conform to the City's zoning regulations and Comprehensive General Plan for the area;
- (4) That no remnant parcels are created which, due to size, configuration or location, cannot be developed under the provisions of the Farmington City Zoning Ordinance;
- (5) No land immediately adjacent to the parcel of land or lot has been divided by the recording of metes and bounds deeds within five (5) years of the date of the

application; and

- (6) The division of the property is approved by the City as set forth in this Chapter.

12-4-030 Application.

An Owner or Subdivider wishing to divide a single parcel of land or lot within an agricultural or residential zone within the City into not more than two lots shall submit an application to the City Planner on a form approved by the City. The Application shall include one reproducible copy and two prints of a preliminary layout of the proposed boundaries of the property to be divided with a legal description prepared by a licensed surveyor. The application shall also be accompanied by any necessary plans for the installation of required public improvements and accompanying bond agreements. At the time the application is submitted, the applicant shall also pay the required application fee, as set forth in the City's Consolidated Fee Schedule.

12-4-040 City Planner Review.

Upon receipt of the application, the City Planner shall schedule a date for the application to be reviewed by the Planning Commission, which date shall not be more than sixty (60) days from the receipt of the application. The City Planner shall also review the application with applicable City Departments to assure compliance with City Ordinances and shall determine if the application should be submitted to the providers of any utility service for comment.

12-4-050 Planning Commission Review.

Upon review of all information submitted by the applicant and all comments or recommendations from City Departments and utility providers, the City Planner shall prepare a report on the application recommending either approval, approval with conditions, or disapproval of the application and shall submit such report to the Planning Commission for its consideration prior to the scheduled hearing. With the exception of applications for flag lots which shall be reviewed and considered for approval by the City Council after receiving a recommendation from the Planning Commission, the Planning Commission shall either approve the application, approve the application with conditions, or deny the application. Such decision shall be made by the Planning Commission within a reasonable time after the hearing.

12-4-060 Requirements.

- (1) As a condition of approval of a metes and bounds subdivision, the applicant may be required to install or provide the following improvements, unless specifically waived by the Planning Commission:

- (a) Boundary monuments, established in accordance with standards set forth

by the Davis County Surveyor and Title 17, Chapter 23, Utah Code Annotated;

- (b) curb and gutter;
- (c) sidewalk;
- (d) asphalt or concrete paving of rights-of-way;
- (e) appropriate storm drainage facilities; and
- (f) public utility easements.

(2) All required public improvements shall be installed in accordance with the provisions of Chapter 8 of this Title and the City's Construction Standards and Specifications.

(3) The installation of any required public improvements shall be secured as provided in Section 12-6-170 of this Title.

12-4-070 Statement of Approval.

Upon approval of an application under this Chapter and the performance of all required conditions by the applicant, the applicant shall submit to the City such proposed deeds as the applicant intends to record to accomplish the division of the property provided for under this Chapter, along with one reproducible copy and two prints of the record of survey map filed in accordance with Title 17, Chapter 23, Utah Code Annotated. The City shall review such deeds to assure that they conform to the representations made in the application. Upon approval, the Chair of the Planning Commission shall sign a statement to be attached to the deeds reflecting the City's approval of the division of the property into two (2) lots. The Chair of the Planning Commission shall not sign the statement until at least fifteen (15) days have passed from the date of approval from the Planning Commission.